



Fort Myers Beach Town Council

**Diamondhead Beach Resort
2000 Estero Blvd.
Fort Myers Beach, FL 33931**

Amended Agenda

Monday, September 25, 2023

9:00 AM

ORDER OF BUSINESS

I. CALL TO ORDER

II. INVOCATION

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

V. PUBLIC COMMENT

VI. PRESENTATION

A. Honorable Matt Caldwell - Lee County Property Appraiser

NEW B. Chief Meteorologist Matt Devitt, WINK News

VII. PROCLAMATIONS

A. Florida Climate Week - Aly DySard, VoLo Foundation

This event seeks to unite industry leaders, front-line advocates, businesses, and individuals alike to address the urgency of the climate crisis and its impact on our state. Florida Climate Week will focus on solutions to reduce carbon emissions and create more resilient communities.

VIII. LOCAL ACHIEVEMENTS AND RECOGNITIONS

IX. ADVISORY COMMITTEES ITEMS / REPORTS / APPOINTMENTS

X. APPROVAL OF MINUTES

A. Town Council - September 11, 2023

B. Town Council Budget Hearing - September 11, 2023

XI. CONSENT AGENDA

- A. Resolutions 23-112, 23-113 and 23-114: Extending Local State of Emergency-Hurricane Ian
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, AMENDING AND EXTENDING THE PROCLAMATION THAT A STATE OF LOCAL EMERGENCY EXISTS BECAUSE OF THE CATASTROPHIC IMPACTS CAUSED BY HURRICANE IAN; PROVIDING FOR CONFLICTS; PROVIDING FOR SCRIVENER ERRORS, PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
- B. Resolutions 23-109, 23-110 & 23-111; Extending Declaration of State of Local Emergency-Hurricane Idalia
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, EXTENDING THE DECLARATION OF STATE OF LOCAL EMERGENCY DUE TO HURRICANE IDALIA; PROVIDING THE TOWN WITH POWERS, INCLUDING, BUT NOT LIMITED TO THOSE PURSUANT TO FLORIDA STATUTES, CHAPTER 252, AND TOWN CODE CHAPTER 2, ARTICLE VI; PROVIDING FOR PENALTIES FOR VIOLATIONS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND FOR AN EFFECTIVE DATE AND A TERMINATION DATE
- C. Town Comprehensive Emergency Management Plan Official Adoption
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA ADOPTING THE UPDATED COMPREHENSIVE EMERGENCY MANAGEMENT PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.
- D. Resolution 23-120; Bayside Park Repairs
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RATIFYING ACTION OF THE TOWN TAKEN REGARDING THE WAIVING OF THE TOWN'S COMPETITIVE PROCUREMENT POLICY AND APPROVAL OF THE PROPOSALS RECEIVED FOR TURF, IRRIGATION, AND LANDSCAPE FOR BAYSIDE PARK IN THE AMOUNTS NOT TO EXCEED \$92,050.00 AND PROVIDING FOR AN EFFECTIVE DATE.
- E. Resolution 23-119; Bay Oaks Electrical Work
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, RATIFYING ACTION OF THE TOWN TAKEN SEPTEMBER 7, 2023 REGARDING THE WAIVING OF THE TOWN'S COMPETITIVE PROCUREMENT POLICY AND APPROVAL OF THE PROPOSALS RECEIVED FOR ELECTRIC WORK FOR BAY OAKS RECREATIONAL CAMPUS IN AN AMOUNT NOT TO EXCEED \$177,000; AND PROVIDING FOR AN EFFECTIVE DATE.

- F. Resolution 23-118; Estero Island Beach Truck Haul
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING AN AGREEMENT BETWEEN THE TOWN AND COASTAL ENGINEERING CONSULTANTS, INC. FOR FINAL DESIGN, BID PHASE SERVICES, CONSTRUCTION SERVICES AND STAKEHOLDER AND ADMINISTRATIVE SERVICES FOR THE ESTERO ISLAND BEACH TRUCK HAUL PROJECT; AND PROVIDING AN EFFECTIVE DATE.
- G. Resolution 23-121; Boxx Modular
Approve a four year lease agreement with Boxx Modular, waive the Town's procurement policy, and authorize the Town Manager to execute the necessary documentation for the new, temporary Town Hall business complex to be located on the Bay Oaks Campus.
- H. Surplus Items
Declare listed items as surplus and authorize staff to dispose of these items utilizing a municipal government auction service.
- I. Lobbyist Ronald L. Book, P.A. Contract Renewal
Authorize the Town Manager to renew and execute an agreement in the amount of \$45,000 with the Town's State Lobbyist, Ronald L. Book, P.A.
- J. RFQ-20-22-AD; Ongoing Professional Services Renewal #1 of 2
Authorize the Town Manager to execute renewal #1 of 2 to the firms contracted under RFQ-20-22-AD, Ongoing Misc. Professional Services.
- K. RFQ-20-22-AD; On-Going Professional Services
Approve two Supplemental Task Authorizations for FY24 exceeding \$25,000 for Professional Services for Community Development in the areas of Planning/Zoning and Building Services, and authorize the Town Manager to execute the required documentation.
- L. 5-Year Flock Safety Agreement
Authorize the Town Manager to execute a 5-year agreement with Flock Safety to continue license plate reader services for the Town for an additional term with increased cost savings.
- M. Bay Oaks Recreation Center fitness equipment replacement.
Approve and allocate funds for the purchase and replacement of fitness equipment from Gym Source at the Bay Oaks Recreation Center, not to exceed \$64,000

XII. PUBLIC HEARINGS

- A. Provide input regarding open view and open space requirements
Provide input regarding Downtown Zoning District requirements

XIII. ADMINISTRATIVE AGENDA

- A. Town Radios
Public Safety Motorola Radio Purchase
- B. Approve the replacement of outdoor fitness equipment for a not to exceed amount of \$140,000
Approve purchase of National Fitness Court Outdoor Equipment
- C. FY24 Fee Schedule and Budget
Provide Clarification of FY24 Tentative Fee Schedule and Budget Items, including: Special Magistrate Program; Short Term Rental Program; \$1 Million FDOT Grant; Financial Impact of Replacing Contractors with Employees; Update on the Storm Water and Water Projects; Status of SRF Loans; and Explanation of Variance Fees.
- D. Dune Walkover permit for 8150/8170 Estero
Motion to approve issuance of permit for beach/dune walk-over at 8150/ 8170 Estero Boulevard pursuant to Special Exception previously approved by the Town Council (Resolution 23-22) and accept letter of indemnity and intent to hold harmless document supplied by applicants.
Or
Motion to disapprove issuance of permit for beach/dune walk-over at 8150/ 8170 Estero Boulevard pursuant to Special Exception previously approved by the Town Council (Resolution 23-22).

XIV. FINAL PUBLIC COMMENT**XV. TOWN MANAGER'S ITEMS****XVI. TOWN ATTORNEY'S ITEMS**

- A. Proposed Jamieson Settlement Agreement
- B. Development Agreements with Deviations

XVII. COUNCILMEMBERS ITEMS AND REPORTS**XVIII. ADJOURNMENT**

NOTE: THIS MEETING IS STREAMED LIVE ON YOUTUBE.

IF A PERSON DECIDES TO APPEAL A DECISION MADE BY THE COUNCIL IN ANY MATTER CONSIDERED AT THIS MEETING/HEARING, SUCH PERSONS MAY NEED TO ENSURE THAT A VERBATIM RECORD OF THE PROCEEDING IS MADE, TO INCLUDE THE TESTIMONY AND EVIDENCE UPON WHICH ANY SUCH APPEAL IS TO BE BASED.



For special accommodation, please notify the Town Clerk's Office at least 72 hours in advance. (239) 765-0202

In accordance with the Americans with Disabilities Act (ADA), persons needing a special accommodation to participate in the Board's proceedings should contact the Town Clerk's Office not later than three days prior to the proceedings.